2009 Drought Water Bank Environmental Assessment Responses to Comments

- 1-1. Information on Glenn County Ordinance 1115 (Chapter 20.03) has been included in the final EA.
- 1-2. As noted in the Draft EA, potential sellers have begun coordination with their respective counties regarding the proposed action and will continue this coordination through the transfer approval process. Also, once a transfer proposal is submitted to the 2009 Drought Water Bank, DWR will notify the county.
- 1-3. The Draft EA adopts essentially the same mitigation measures as the 2003 EWA EIS/EIR regarding water transfers from upstream of the Delta. As noted in the Draft EA, potential sellers have begun coordination with their respective counties regarding the proposed action and will be required to continue this coordination through the transfer approval process.
- 1-4. The Final EA has been revised to disclose the most current estimates that Reclamation has received regarding potential maximum amounts willing sellers could make available for the 2009 Drought Water Bank. Because the proposal review process is currently ongoing, final amounts that will actually be transferred are not yet available.
- 2-1. The 2009 DWB will make water available in the 2009 water year only. A footnote has been added to indicate that if completed in Water Year 2009, upon completion of the Freeport Regional Water Project, East Bay Municipal Utility District would be considered an upstream of Delta potential buyer for the 2009 DWB.
- 3-1. Comment incorporated
- 3-2. Comment incorporated
- 3-3. Comment incorporated
- 3-4. Comment incorporated
- 3-5. Comment incorporated
- 3-6. Comment incorporated
- 3-7. Comment incorporated
- 4-1. The Draft EA analyzes and discloses the potential impacts of the 2009 Drought Water Bank and includes mitigation measures to reduce the potential impacts of the proposed action to a less than significant level.

4-2. The Final EA has been revised to disclose the most current estimates that Reclamation has received regarding potential maximum amounts potential willing sellers could make available for the 2009 Drought Water Bank (DWB). Because the proposal review process is currently ongoing, these amounts still represent maximum amounts that could potentially be made available for transfer, and are not firm quantities. Given the most current information that Reclamation has received, CVP contractor willing sellers could potentially transfer up to 69,250 acre feet via groundwater substitution for the DWB. This number is revised from the 56,600 acre feet that was disclosed in the Draft EA because three CVP contractor potential sellers were erroneously identified in the Draft as non-CVP entities. Also, it was noted during the public comment period that three potential sellers have not yet determined the method they would use to make water available, so their initially proposed amount has now been included in both crop idling and groundwater substitution categories. This revision to the potential maximum amount made available for transfer to the DWB via groundwater substitution would not result in any additional impacts beyond those analyzed and disclosed in the Draft EA.

Given the most current information Reclamation has received from DWR, non-CVP entities could potentially transfer up to 48,300 acre feet via groundwater substitution. Cumulatively, potential sellers (including CVP contractors and non-CVP entities) could provide up to 117,550 acre feet via groundwater substitution for the DWB. These estimates are based on more recent information than DWR's March 4, 2009 CEQA Addendum.

- 4-3. Reclamation recognizes the issues associated with previous drought water bank programs. As described in the groundwater section of the Draft EA, Reclamation recognizes that programs involving groundwater pumping have the potential for third party impacts, including increased groundwater pumping cost due to increased pumping depth, decreased yield from groundwater wells due to reduction in the saturated thickness of the aquifer, and reduced groundwater in storage. However, as described in the Draft EA, DWR and Reclamation's transfer approval process for the DWB, including well review, monitoring plan and mitigation plan requirements which must comply with the Water Code and applicable local and county ordinances, set forth a framework that is designed to avoid and minimize adverse groundwater effects. Such measures were developed in response to and to avoid future occurrences of the issues surrounding groundwater substitution associated with previous drought water bank programs.
- 4-4. Reclamation has completed formal consultation with the U.S. Fish and Wildlife Service (Service), pursuant to Section 7 of the Endangered Species Act regarding the potential effects of the 2009 Drought Water Bank (DWB) on federally listed species. Reclamation and DWR have been coordinating with the Service, California Department of Fish and Game and other biologists since October 2008 on the conservation measures for the project, including the 320 acre block size for

idled parcels. The BO indicates that the Service has determined that the level of potential take from authorization of the one year transfer of CVP and SWP water from the action area north of the Delta to water buyers south of the Delta is not likely to result in jeopardy to the giant garter snake.

- 4-5. Comment noted.
- 5-1. Reclamation appreciates and is fully considering all comments received on the Draft Environmental Assessment (EA) and Finding of No Significant Impact. Please also refer to response 4-1, 5-3, 5-4 and 5-5.
- 5-2. Please refer to responses 5-3, 5-4, and 5-5.
- 5-3. Reclamation has completed formal consultation with the U.S. Fish and Wildlife Service (Service) pursuant to Section 7 of the Endangered Species Act regarding the potential effects of the 2009 Drought Water Bank (DWB) on federally listed species. Reclamation and DWR have been coordinating with the Service, California Department of Fish and Game (DFG), and other biologists since October 2008 on the conservation measures for the project. Because the transfer review process is currently ongoing ,while the maximum amount of riceland that could be fallowed under the 2009 Drought Water Bank (from both CVP and non-CVP entities) is up to 55,571 acres, it is not certain that that amount of fallowing will actually be implemented it is a worse case scenario.

During formal consultation with the Service, Reclamation has agreed to the implementation of the conservation measures, reasonable and prudent measures and terms and conditions described in the April 14, 2009 Biological Opinion, which have been added to the environmental commitments section of the Final EA. The BO indicates that the Service has determined that the level of potential take from authorization of the one year transfer of CVP and SWP water from the action area north of the Delta to water buyers south of the Delta is not likely to result in jeopardy to the giant garter snake (GGS).

- 5-4. As described in the Draft EA, transfers involving conveyance through the Delta will be implemented within the operational parameters of the Biological Opinions on Continued Long-term Operations of the CVP/SWP, and thus will not result in operational changes or additional impacts to special status fish species. Please also refer to response 5-5 regarding groundwater-surface water interaction related effects to special status fish species.
- 5-5. As described in the Draft EA, during the transfer review process, potential sellers proposing to make water available to the DWB via groundwater substitution will be required to submit data for a well review. The review is intended to ensure that the wells used in the program would not pose an unacceptable risk of depleting surface water. DWR and Reclamation will review the location and

screened interval of the proposed production wells. Production wells within 2 miles of a surface water body will be required to meet well depth criteria if insufficient data is provided to show that pumping would not result in adverse effects. Furthermore, the well review may determine that pumping activities should be limited to a specified depth in some areas, in order to avoid hydraulic interaction between pumping and overlying surface water systems. In addition to the well review, the potential sellers' monitoring plans will be required to address local impacts, including those from potential groundwater/surface water interaction.

- 5-6. The proposed action incorporates mitigation measures as described in the Environmental Commitments section of the Draft EA and the Finding of No Significant Impact, that reduce potential impacts of the DWB to less than significant levels, and therefore preparation of an Environmental Impact Statement is not required.
- 5-7. Please refer to responses 5-3, 5-4, and 5-5.
- 5-8. Please refer to response 5-3.
- 5-9. Reclamation and DWR recognize the importance of determining the baseline status of the giant garter snake in the project area. Therefore, as described in the Draft EA, as part of a Giant Garter Snake Baseline Monitoring and Research Strategy for the development of a Giant Garter Snake Conservation Strategy, in addition to the measures described above, DWR and Reclamation are proposing baseline population surveys and research goals to help gather baseline population data and quantify and evaluate the response of the giant garter snake to riceland idling. This Monitoring and Research Strategy will be implemented on public land and private land, as allowed by landowners. DWR has requested that participants in the program allow access to their lands so that baseline information can be gathered. However, since neither Reclamation nor DWR own or control the private lands which are participating in the DWB program, access to idled lands cannot be guaranteed for baseline studies or effects analysis surveys to be conducted.
- 5-10. Reclamation and DWR acknowledge the concern regarding the potential impact that continued fallowing may have on GGS populations. In order to avoid and minimize the effect of the proposed one year project, considering also the cumulative effects of past and present fallowing actions, Reclamation proposed the conservation measures as described in the environmental commitments section of the Draft EA which were coordinated with DWR, the Service, DFG and other biologists. These conservation measures are intended to avoid and minimize potential effects of continued fallowing to giant garter snake populations by maintaining connectivity of habitat by maintaining water in canals, idling parcels in a checkerboard pattern, and by excluding idling for the DWB for parcels consecutively fallowed in the last 2 years for any reason. In addition during formal consultation with the Service, Reclamation has

- committed to implementing the conservation measures, reasonable and prudent measures and terms and conditions as described in the April 14, 2009 Biological Opinion.
- 5-11. Please refer to response 5-3 and 5-10.
- 5-12. Please refer to response 5-3.
- 5-13. Revision of the idled block size from 160 to 320 acres was coordinated with DWR, the Service, DFG, and other biologists (Glenn Wylie and Eric Hanson). (see justification memo from DWR).
- 5-14. Please refer to response 5-9. Also, idling 20% of active rice fields in each of the five counties would result in approximately 100,000 acres of idling. However, the DWB is not considering idling 20% in each of the five counties it is only considering potentially approving up to 55,571 acres from CVP and non-CVP entities throughout the five counties. Please also refer to response 5-3.
- 5-15. Please refer to responses 5-13, 5-14, and 5-3.
- 5-16. The Draft EA included a cumulative effects analysis which analyzed the effects of both CVP and non CVP entities' participation in the 2009 DWB, as well as other past, present and reasonable foreseeable future actions. In formal consultation with the Service pursuant to Section 7, Reclamation has agreed to map the parcels actually idled for the DWB and DWR if implementing a monitoring and research strategy with a goal of quantifying responses of GGS populations to crop idling. As stated in the Draft EA, Because DWR and Reclamation would have some involvement in other water acquisition programs due to the need to use CVP and/or SWP facilities to export the water, the project agencies would have the opportunity to assess cumulative effects and would not approve a proposed water transfer from a water agency if an adverse cumulative effect would occur. Therefore, the proposed action would not have an incremental effect to the cumulative condition.
- 5-17. Please refer to response 4-1.
- 5-18. Please refer to response 5-13.
- 5-19. The cumulative effects analysis in the Draft EA does state that crop idling and groundwater substitution transfers have been implemented in previous drought response efforts, such as in the 1990's and that crop idling is also done on a regular basis as part of crop rotation and for other reasons, such as in response to hydrologic conditions, in the potentially affected areas.
- 5-20. Please refer to response 5-3.
- 5-21. Please refer to responses 5-4 and 5-5.
- 5-22. Please refer to 5-5. These well review and monitoring plan requirements were developed in response to and to avoid future occurrences of the issues surrounding groundwater substitution associated with previous drought water bank programs, such as in the 1990's.

- 5-23. Please refer to response 5-4.
- 5-24. Comment Noted. Reference has been deleted from Final EA.
- 5-25. Please refer to response 4-1, 5,3 5-4 and 5-5.
- 5-26. Comment noted.
- 5-27. Comment noted.
- 6-1. The Final EA has been revised to disclose the most current estimates that Reclamation has received regarding potential maximum amounts potential willing sellers could make available for the 2009 Drought Water Bank (DWB). The total amount CVP contractors could make available has been reduced to up to 199,885 af. The total amount that could be made available to the DWB, including from non-CVP entities has been reduced to 370,935. The total amount that could be made available by groundwater substitution by CVP contractors has been revised to up to 69,250 af, with the total amount for the DWB made available by groundwater substitution, including water made available by non-CVP entities, reduced to 117,550 af. These estimates are based on more recent information than DWR's March 4, 2009 CEQA Addendum.
- 6-2. The proposed action incorporates mitigation measures as described in the Environmental Commitments section of the Draft EA and the Finding of No Significant Impact, that reduce potential impacts of the DWB to less than significant levels, and therefore preparation of an Environmental Impact Statement is not required.
- 6-3. The EA contains the most recent information available as to the need for the proposed action and how and where it would be implemented.
- 6-4. Reclamation has no control over CEQA compliance or the exemption provided in the Governor's emergency declaration.
- 6-5. While recently many reservoir storage levels have risen, they have not risen enough to make up for the two critically dry years prior. The Governor of California has requested emergency drought assistance under the Reclamation States Emergency Drought Relief Act of 1991 (Act), Public Law 102-250, as amended. The Commissioner of the Bureau of Reclamation (Reclamation) has determined that emergency drought assistance is merited.
- 6-6. During the transfer approval process, Reclamation will be responsible for ensuring that transfers to the DWB proposed by CVP contractors contain appropriate monitoring and mitigation plans that comply with all applicable regulations. More specific information regarding the well review information,

monitoring plan and mitigation plan requirements for proposed transfers under the DWB has been added to the Environmental Commitments section of the EA.

- 6-7. This is a separate effort from what was previously proposed.
- 6-8. Please refer to response 6-6.
- 6-9. Comment noted.
- 6-10. Please refer to response 6-2.
- 6-11. The EA contains the most recent information available as to the need for the proposed action and how and where it would be implemented. Because the proposal review process is currently ongoing, final amounts that will actually be transferred are not yet available. The Final EA has been revised to disclose the most current estimates that Reclamation has received regarding potential maximum amounts potential willing sellers could make available for the 2009 Drought Water Bank (DWB). The amount CVP contractors could make available has been reduced to up to 199,885 af. The total amount that could be made available to the DWB, including from non-CVP entities has been reduced to 370,935.
- 6-12. As stated in the Draft EA, the following sentences describe the need for the proposed action: Since 2007 and 2008 were critically dry years and reservoir storage levels are expected to be low in 2009, it is likely that some California water providers will need to supplement local and imported supplies with water transfers from willing sellers. Based on the initial water supply allocations from the CVP and SWP, the nature of the supply shortage will likely severely limit supply for existing agricultural use and limit supply for municipal needs including minimum health and safety requirements. The application of DWR's need criteria in allocating water available under the DWB is not included in the purpose and need section, as it is part of the proposed action, describing how the proposed action would be implemented.
- 6-13. The needs criteria are DWR's criteria. As DWR will manage and implement all contracts for the DWB, DWR will be the agency implementing the needs criteria and allocating water made available by the DWB. This has been further clarified in the final EA. Reclamation's role in the DWB is in reviewing and approving, as appropriate, transfer proposals from CVP contractors.

The Policies DWR will follow for the 2009 Drought Water Bank include:

Local water needs are considered as a priority before water is transferred out of the region

Transfers will be made without injuring other legal water users and without unreasonably affecting fish, wildlife, or other instream beneficial uses

Transfers will be made without unreasonably affecting the overall economy or the environment of the county from which the water is transferred

No more than 20 percent of the cropland in any county may be idled due to the 2009 Drought Water Bank, unless additional evaluations are conducted related to both the economic and environmental impacts

Transfer water will be those water supplies that would not have been available in the Delta absent the transfer

Water will be allocated in accordance with priority of need, with health and safety considerations paramount

Transfers and related actions need to be in compliance with federal and state environmental laws as applicable and local ordinances consistent with State law

Transfers through SWP facilities for use in a SWP contractor's service area will be conveyed under existing SWP long-term water supply contracts and through SWP Contractors

Transfers involving water supplies made available pursuant to CVP water service and/or water right settlement contracts, must comply with the terms and conditions of the existing CVP contract

Transfer recipients are expected to have and implement an adopted water management plan including conservation measures designed to result in a minimum of 20 percent overall savings (http://www.water.ca.gov/drought/docs/2009water_bank.pdf)

6-14. The Final EA has been revised to disclose the most current estimates that Reclamation has received regarding potential maximum amounts potential willing sellers could make available for the 2009 Drought Water Bank (DWB). Because the proposal review process is currently ongoing, these amounts still represent maximum amounts that could potentially be made available for transfer, and are not firm quantities. These estimates are based on more recent information than DWR's March 4, 2009 CEQA Addendum.

Because the proposal review process is currently ongoing, potential buyer and seller amounts still represent maximum amounts that could potentially be made

available for transfer, and are not firm quantities. However, Buyers have been required to make a deposit in advance to be eligible to purchase water from the 2009 Drought Water Bank. Buyers will be required to commit to pay the full amount of the water transfer though their buyer's contract before DWR executes purchase agreements with willing sellers. (http://www.water.ca.gov/drought/docs/2009water_bank.pdf)

6-15. Reclamation has incorporated the most recent information available in the EA. The final EA has been revised to clarify the primary beneficial use for potential buyers.

As DWR will manage and implement all contracts for the DWB, DWR will be the agency implementing the needs criteria and allocating water made available by the DWB. The State Water Resources Control Board decision on consolidated place of use will also play a role in DWR's allocation of water, and this decision is not currently known. Reclamation's role in the DWB is in reviewing and approving, as appropriate, transfer proposals from CVP contractors who are potential sellers.

- Santa Clara Valley Water District has identified their primary beneficial use as municipal and industrial.
- Amounts for Avenal, Huron, Coalinga were not available
- Comment noted. As DWR will manage and implement all contracts for the DWB, DWR will be the agency implementing the needs criteria and allocating water made available by the DWB
- 6-16. Please refer to response 6-15.
- 6-17. Reclamation recognizes that water availability and crop prices affect water available for transfer. DWR has set a fixed price for the purchase of water from the DWB. DWR is only considering water made available from crop idling/shifting primarily of rice and potentially some alfalfa. Given the most current information Reclamation has available, potential sellers to the DWB (including CVP and non-CVP entities) could make up to 117,550 af available via groundwater substitution, while they could make up to 183,385 af available via crop idling. Considering CVP contractors only, potential sellers could make up to 69,250 af available via groundwater substitution and 120,635 af available via crop idling. The paragraph referred to on page 96 relates to cumulative effects, as the current proposed action includes a set price for water transferred under the DWB, which is only a one year project.

- 6-18. Reclamation will be taking steps to verify that parcels identified for idling are in fact being idled. This will be accomplished through infrared satellite imagery techniques and conducting on-the-ground surveys, as needed.
- 6-19. DWR has set a fixed price for the purchase of water from the DWB.
- 6-20. Because the proposal review process is currently ongoing, potential buyer and seller amounts still represent maximum amounts that could potentially be made available for transfer, and are not firm quantities. Reclamation has incorporated the most recent information available in the EA. The final EA has been revised to clarify the primary beneficial use for potential buyers. As DWR will manage and implement all contracts for the DWB, DWR will be the agency implementing the needs criteria and allocating water made available by the DWB. Reclamation's role in the DWB is in reviewing and approving, as appropriate, transfer proposals from CVP contractors who are potential sellers.
- 6-21. Because the proposal review process is currently ongoing, potential buyer and seller amounts still represent maximum amounts that could potentially be made available for transfer, and are not firm quantities. Reclamation has incorporated the most recent information available in the EA. The final EA has been revised to clarify the primary beneficial use for potential buyers.

Transfer water under the DWB will be used to meet existing demand that would have been met under normal hydrologic conditions. The DWB is a one year program only. Future efforts to address continuing dry conditions will have additional environmental compliance documentation. Recipients of water from the Water Bank are expected to have and implement an adopted water management plan including appropriate water shortage contingency provisions that will result in a 20 percent reduction in normal urban demand.

- 6-22. The following detail has been added to the final EA for clarification:
 Water will be allocated in accordance with priority of need, with health and safety considerations paramount. Under critically dry conditions DWR will use the following priorities for allocating water to buyers:
 - Health and safety needs, including indoor residential and institutional and emergency uses
 - Preservation of high-value assets such as survival of permanent crops (trees and vines), minimum deliveries to commercial and industrial customers
 - Deliveries sufficient to meet up to 60 percent of normal urban demands; deliveries sufficient to meet up to 25 percent of normal agricultural demands

In addition, recipients of water from the Water Bank are expected to have and implement an adopted water management plan including appropriate water shortage contingency provisions that will result in a 20 percent reduction in normal urban demand.

(http://www.water.ca.gov/drought/docs/2009water_bank_faq.pdf)

- 6-23. Water transfers requiring conveyance through the Delta may only be implemented during July through September due to restrictions to protect Delta smelt as per the 2009 US Fish and Wildlife Biological Opinion on the Continued Long Term Operations of the Central Valley Project and State Water Project.
- 6-24. As DWR will manage and implement all contracts for the DWB, DWR will be the agency implementing the needs criteria and allocating water made available by the DWB. Reclamation's role in the DWB is in reviewing and approving, as appropriate, transfer proposals from CVP contractors who are potential sellers. Recipients of water from the Water Bank are expected to have and implement an adopted water management plan including appropriate water shortage contingency provisions that will result in a 20 percent reduction in normal urban demand.

(http://www.water.ca.gov/drought/docs/2009water_bank_faq.pdf)

- 6-25. Because the proposal review process is currently ongoing, potential buyer and seller amounts still represent maximum amounts that could potentially be made available for transfer, and are not firm quantities. As DWR will manage and implement all contracts for the DWB, DWR will be the agency implementing the needs criteria and allocating water made available by the DWB. Reclamation's role in the DWB is in reviewing and approving, as appropriate, transfer proposals from CVP contractors who are potential sellers.
- 6-26. Please refer to response 6-25.
- 6-27. Please refer to response 6-25.
- 6-28. Please refer to response 6-25.
- 6-29. Please refer to response 6-25.
- 6-30. Please refer to response 6-25.
- 6-31. Please refer to response 6-25.
- 6-32. Please refer to response 6-25.
- 6-33. Please refer to response 6-25.
- 6-34. Please refer to response 6-25.
- 6-35. The requested maps have been added to the Final EA.

- 6-36. Further information regarding the consolidated place of use has been added to the Final EA for clarification. The 2009 DWB is for the 2009 water year only.
- 6-37. The Draft EA contains information as available in potential seller initial proposals regarding potential sellers' water rights. As DWR will manage and implement all contracts for the DWB, DWR will be the agency implementing the needs criteria and allocating water made available by the DWB. Reclamation's role in the DWB is in reviewing and approving, as appropriate, transfer proposals from CVP contractors who are potential sellers.
- 6-38. Reference to compliance with the water code has been added to the Environmental Commitments section of the Project Description.
- 6-39. Reclamation has incorporated the most recent information available in the EA.
- 6-40. Because there is greater demand for water than could be made available under the DWB, alternatives other than what has been proposed would not fully meet the purpose of the proposed action of facilitating water transfers to those in the State that are in need. The ratios of crop idling to groundwater substitution are based on what potential willing sellers proposed they could be able to implement.
- 6-41. This proposed alternative could not be analyzed and implemented in time for the 2009 water year, and the stated purpose of the proposed action is limited to 2009. Because the DWB is being implemented by DWR, and Reclamation's role in the DWB is in reviewing and approving, as appropriate, transfer proposals from CVP contractors who are potential sellers, the only alternative to the proposed action is the no action alternative of not approving proposed transfers from CVP contractors.
- 7-3. 6-42. This proposed alternative could not be analyzed and implemented in time for the 2009 water year, and the stated purpose of the proposed action is limited to 2009. Because the DWB is being implemented by DWR, and Reclamation's role in the DWB is in reviewing and approving, as appropriate, transfer proposals from CVP contractors who are potential sellers, the only alternative to the proposed action is the no action alternative of not approving proposed transfers from CVP contractors. However, under the proposed action, recipients of water from the Water Bank are expected to have and implement an adopted water management plan including appropriate water shortage contingency provisions that will result in a 20 percent reduction in normal urban demand.

(http://www.water.ca.gov/drought/docs/2009water_bank_faq.pdf)

6-43. The Draft EA describes the pertinent affected environment of the regions that water would be transferred from, conveyed through and transferred to, referring to text in the EWA 2003 and 2007 EIS/EIR, as many of the facilities and resource categories are fully described in those documents. The Draft EA describes changed conditions affecting certain resource categories, such as the 2009

- Biological Opinion on the Continued Long Term Operation of the Central Valley Project and State Water Project.
- 6-44. The facets of the Draft EA that incorporate by reference information from the EWA environmental documents deal with affected environment, not proposed action. Reclamation recognizes that the purpose and actions of the EWA are different from the DWB, and that is why this EA was prepared. However, some of the text describing facilities or resource categories would be the same for both projects, and that is where the use of incorporation by reference while presenting a summary of the information was intended to be helpful in making the Draft EA more concise.
- 6-45. Please refer to responses 6-44 and 6-45.
- 6-46. Please refer to response 6-44.
- 6-47. This EA is not tiering off of the EWA EIS/EIR.
- 6-48. More specific information regarding the well review information, monitoring plan and mitigation plan requirements for proposed transfers under the DWB has been added to the Environmental Commitments section of the EA. During the transfer review and approval process, Reclamation and DWR will be responsible for ensuring that these requirements are complied with in accordance with all applicable regulations to ensure the proposed action does not result in any significant impacts to any resource categories. DWR will be responsible for ensuring that monitoring and mitigation requirements are fulfilled during implementation of the transfers that are approved.
- 6-49. Comment noted. This information will be considered by Reclamation and DWR during the well review process required for proposed transfers based on groundwater substitution.
- 6-50. Please refer to response 6-49.
- 6-51. Please refer to response 6-49.
- 6-52. Comment noted. Final EA text has been clarified.

More specific information regarding the well review information, monitoring plan and mitigation plan requirements for proposed transfers under the DWB has been added to the Environmental Commitments section of the EA. This information will be considered by Reclamation and DWR during the well review process required for proposed transfers based on groundwater substitution. During the transfer review and approval process, Reclamation and DWR will be responsible for ensuring that these requirements are complied with in accordance with all applicable regulations to ensure the proposed action does not result in any

significant impacts to any resource categories. DWR will be responsible for ensuring that monitoring and mitigation requirements are fulfilled during implementation of the transfers that are approved. Such measures were developed in response to and to avoid future occurrences of the issues surrounding groundwater substitution associated with previous drought water bank programs.

- 6-53. Please refer to response 6-52.
- 6-54. Please refer to response 6-52.
- 6-55. Please refer to response 6-52 and 6-1. Monitoring and mitigation plans and implementation will be required at the sellers cost. Reclamation and DWR will be responsible for ensuring monitoring and mitigation actions are implemented to ensure significant impacts are avoided. Site specific monitoring objectives and concerns, including the applicability of stream monitoring will be considered during the transfer review process.
- 6-56. Comment noted.
- 6-57. Please refer to response 6-52.
- 6-58. Please refer to response 1-1.
- 6-59. Land subsidence monitoring will be required as deemed applicable by Reclamation and DWR during the transfer review process, considering this information.
- 6-60. Please refer to response 6-55. This information will be considered by Reclamation and DWR during the transfer review process.
- 6-61. Reclamation is committed to complying with existing requirements regarding stream flow and temperature requirements.
- 6-62. Please refer to response 5-5, 6-11 and 6-55.
- 6-63. Sections 3.7 and 3.8 address potential impacts to and avoidance and minimization measures for these species, with the exception of bank swallow. The previously mentioned well review and monitoring requirements will avoid impacts to bank swallow.
- 6-64. Please refer to response 6-48. This information will be considered by Reclamation and DWR during the transfer review process. The text has been clarified in the Final EA.
- 6-65. The proposed transfers will be implemented in accordance with the US Fish and Wildlife Service (Service) 2009 Biological Opinion (Opinion) on Continued Long

Term Operation of the Central Valley Project and State Water Project and the 2004 NOAA Fisheries Opinion on the Long Term Operation of the Central Valley Project and State Water Project, until the 2009 NOAA Fisheries Opinion is completed this summer. Reclamation has completed ESA Section 7 formal consultation with the Service on potential effects of the DWB on giant garter snake, and their April 14 2009 Opinion for the DWB is included in the Endangered Species Consultation Appendix to the EA.

- 6-66. Clarifying text has been added to the final EA. The answer to this question depends on the State Water Resources Board decision on the request for a consolidated place of use.
- 6-67. The proposed transfers will be implemented in accordance with all applicable regulations, including stream flow and temperature requirements. Please refer to response 5-5.
- 6-68. April and May storage would be required for some crop idling actions, as the water would be made available as soon as diversions are not taken for parcels that have been idled (April and May), but restrictions of the 2009 Service Opinion on the Long Term Coninued Operation of the Central Valley Project and State Water Project preclude conveying transfer water through the Delta until July. However, it is recognized this water may not be able to be stored in Shasta because of release requirements to comply with stream flow and temperature requirements. Releases would be made in July through September of water that would normally go to upstream of Delta contractors, but because they are either crop idling or substituting with groundwater, they are not taking their diversions. These releases would be conveyed to buyers through the Delta.
- 6-69. Comment noted. The purpose of the proposed action is to alleviate some of the negative impacts, such as job loss from crop idling because of water shortages, that would occur under the no action alternative. As DWR will manage and implement all contracts for the DWB, DWR will be the agency implementing the needs criteria and allocating water made available by the DWB. The State Water Resources Control Board decision on consolidated place of use will also play a role in DWR's allocation of water, and this decision is not currently known. Reclamation's role in the DWB is in reviewing and approving, as appropriate, transfer proposals from CVP contractors who are potential sellers.
- 6-70. The 20% limitation on crop idling per county is included in the project description as an environmental commitment. Actual acreage limitations will be calculated for each county by Reclamation and DWR during the transfer review process.
- 6-71. Please refer to responses 5-5, and 6-48.
- 6-72. The Draft EA analyzes the cumulative effect of these other reasonably foreseeable future actions, but the DWB has independent utility from these other potential

- actions (they are not interdependent actions), and thus are separate actions that would be implemented at different times.
- 6-73. Please refer to response 6-72.
- 6-74. Please refer to response 6-11, 5-5, 6-48, 6-72, 6-48.
- 6-75. Please refer to response 6-40 and 6-41.
- 6-76. Please refer to response 6-72.
- 6-77. Please refer to response 6-72. The Cumulative Effects section of the Draft EA addressed some of these other actions. For those that were not included, clarifying text has been added to Final EA. Please also refer to response 4-3.
- 6-78. Please refer to response 6-72. Future actions will be accompanied by additional environmental compliance documentation.
- 6-79. Please refer to response 5-9.
- 6-80. Please refer to response 5-13.
- 6-81. This revision was made in coordination with the Service, DWR, Department of Fish and Game and other biologists originally to include Conaway Ranch as a potential seller proposing crop idling for the DWB. Conaway Ranch has proposed a giant garter snake (GGS) baseline population survey program on their land. Recently, Conaway has opted to not provide water to the DWB, but is going forward with the GGS surveys.
- 6-82. Please refer to response 5-9.
- 6-83. The significance determination is made in the Finding of No Significance (FONSI), and for this resource category, is based on the fact that the April 14, 2009 Opinion indicates that the Service has determined that the level of potential take from authorization of the one year transfer of CVP and SWP water from the action area north of the Delta to water buyers south of the Delta is not likely to result in jeopardy to the giant garter snake (GGS).
- 6-84. The Governor of California has requested emergency drought assistance under the Reclamation States Emergency Drought Relief Act of 1991 (Act), Public Law 102-250, as amended. The Commissioner of the Bureau of Reclamation (Reclamation) has determined that emergency drought assistance is merited.
 - As DWR will manage and implement all contracts for the DWB, DWR will be the agency implementing the needs criteria and allocating water made available by the DWB. This has been further clarified in the final EA. Reclamation's role in

the DWB is in reviewing and approving, as appropriate, transfer proposals from CVP contractors.

The Policies DWR will follow for the 2009 Drought Water Bank include:

Local water needs are considered as a priority before water is transferred out of the region

Transfers will be made without injuring other legal water users and without unreasonably affecting fish, wildlife, or other instream beneficial uses

Transfers will be made without unreasonably affecting the overall economy or the environment of the county from which the water is transferred

No more than 20 percent of the cropland in any county may be idled due to the 2009 Drought Water Bank, unless additional evaluations are conducted related to both the economic and environmental impacts

Transfer water will be those water supplies that would not have been available in the Delta absent the transfer

Water will be allocated in accordance with priority of need, with health and safety considerations paramount

Transfers and related actions need to be in compliance with federal and state environmental laws as applicable and local ordinances consistent with State law

Transfers through SWP facilities for use in a SWP contractor's service area will be conveyed under existing SWP long-term water supply contracts and through SWP Contractors

Transfers involving water supplies made available pursuant to CVP water service and/or water right settlement contracts, must comply with the terms and conditions of the existing CVP contract

Transfer recipients are expected to have and implement an adopted water management plan including conservation measures designed to result in a minimum of 20 percent overall savings (http://www.water.ca.gov/drought/docs/2009water_bank.pdf)

- 6-85. Please refer to response 6-4 and 4-3.
- 6-86. Please refer to response 6-5.
- 6-87. Please refer to response 6-13.

- 6-88. Please refer to response 6-12.
- 6-89. Text on the 2005 California Water Plan has been added to the Final EA.
- 6-90. Please refer to response 4-3.
- 6-91. Please refer to response 6-12 and 6-5.
- 6-92. The needs criteria are DWR's criteria. As DWR will manage and implement all contracts for the DWB, DWR will be the agency implementing the needs criteria and allocating water made available by the DWB. This has been further clarified in the final EA. Reclamation's role in the DWB is in reviewing and approving, as appropriate, transfer proposals from CVP contractors.
- 6-93. Please refer to response 6-41.
- 6-94. The proposed transfers under the DWB would be implemented in accordance with the 2009 Service Opinion on the Continued Long Term Operation of the Central Valley and State Water Project, which analyzed up to 600,000 af of water transfers from all programs, and restricts conveyance of transfer water through the Delta to July through September. The proposed action would not result in any operational changes in the Delta.
- 6-95. Comment Noted.
- 6-96. Please refer to response 6-48.
- 6-97. Comment Noted.
- 7-1. Comment Noted.
- 7.2. The Drought Water Bank is being administered by DWR. DWR will manage and implement all contracts with all buyers and sellers for the DWB. Reclamation's role in the DWB is in reviewing and approving, as appropriate, transfer proposals from CVP contractors who are potential sellers. As stated in the Draft EA, since the transfers Reclamation proposes to approve for the DWB represents only a portion of overall transfers supporting the DWB, the DWB is not dependent upon Reclamation's approval, and DWR would likely proceed with DWB transfers that do not require Reclamation's approval (non-CVP entities), the Proposed Action only includes those actions over which Reclamation has approval authority. The remainder of the transfers that could occur under the DWB are considered in the context of cumulative impacts in the EA.
- 7.3 Agreed. Therefore, Reclamation is preparing this EA and FONSI pursuant to NEPA.

- 7-4. Please refer to response 7.2.
- 7-5. Please refer to response 6-2.
- 7-6. Because the DWB is being implemented by DWR, and Reclamation's role in the DWB is in reviewing and approving, as appropriate, transfer proposals from CVP contractors who are potential sellers, the only alternative to the proposed action is the no action alternative of not approving proposed transfers from CVP contractors.
- 7-7. Please refer to response 6-2.
- 7-8. Comment is unclear. The DWB is a one year program only.
- 7-9. Please refer to response 6-2.
- 7-10. Please refer to response 7-6.
- 7-11. Please refer to response 6-2.
- 7-12. Comment noted.